

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE APPLICATION OF CHEVRON : MISCELLANEOUS ACTION
CORPORATION for an Order Pursuant to :
28 U.S.C. § 1782 to Conduct Discovery for Use :
in Foreign Proceedings, : **No. 10-MC-208**

RODRIGO PEREZ PALLARES and, : MISCELLANEOUS ACTION
RICARDO REIS VEIGA, :
Petitioners, : **No. 10-MC-209**
v. :
JOSEPH C. KOHN, ESQUIRE and KOHN, :
SWIFT & GRAF, P.C., :
Respondents. :

O R D E R

AND NOW, this 20th day of December, 2010, upon consideration of Application by Chevron Corp. for an Order Pursuant to 28 U.S.C. § 1782 (No. 10-MC-208, Doc. No. 1, filed Nov. 16, 2010), Response to Order to Show Cause filed by Joseph C. Kohn and Kohn, Swift & Graf, P.C. (No. 10-MC-208, Doc. No. 18, filed Dec. 1, 2010), Mem. of Law in Partial Opp'n filed by the Republic of Ecuador (No. 10-MC-208, Doc. No. 24, filed Dec. 1, 2010), Reply in Support of Application, filed by Chevron (No. 10-MC-208, Doc. No. 29, filed Dec. 3, 2010), Ecuadorian Pls.' Opp'n to Application (No. 10-MC-208, Doc. No. 35, filed Dec. 8, 2010), Reply to Ecuadorian Pls.' Opp'n (No. 10-MC-208, Doc. No. 41, filed Dec. 10, 2010), Motion for In Camera review or Appointment of a Special Master (No. 10-MC-208, Doc. No. 44, filed Dec. 16, 2010), Application for an Order Under 28 U.S.C. § 1782 (No. 10-MC-209, Doc. No. 1, filed Nov. 16, 2010), Response to Order to Show Cause (No. 10-MC-209, Doc. No. 22, filed Dec. 1, 2010), Mem. of Law in Partial Opp'n (No. 10-MC-209, Doc. No. 27, filed Dec. 1, 2010), Reply

in Support of Application (No. 10-MC-209, Doc. No. 31, filed Dec. 3, 2010), Ecuadorian Pls.' Opp'n to Application (No. 10-MC-209, Doc. No. 35, filed Dec. 8, 2010), Response in Support of Application and Reply to Ecuadorian Pls. (No. 10-MC-209, Doc. No. 40, filed Dec. 10, 2010), Motion for In Camera Review or Appointment of a Special Master (No. 10-MC-209, Doc. No.45, filed Dec. 16, 2010), following oral argument held on Dec. 19, 2010, and for the reasons stated in the accompanying Memorandum dated December 20, 2010, **IT IS ORDERED** that the applications of Chevron (No. 10-MC-208, Doc. No. 1, filed Nov. 16, 2010) and Pallares and Veiga (No. 10-MC-209, Doc. No. 1, filed Nov. 16, 2010) are **GRANTED** as follows:

- 1) Chevron may serve the Subpoena annexed as Ex. GG to the Nov. 16, 2010, Declaration of Scott Edelman, on Respondents Joseph C. Kohn and Kohn, Swift & Graf, P.C., modified to limit production to documents and information related to the Lago Agrio Litigation;
- 2) Applicants Pallares and Veiga may serve the Subpoena annexed as Ex. 26 to the Nov. 16, 2010, Declaration of Paul E. Dans, on Respondents Joseph C. Kohn and Kohn, Swift & Graf, P.C., modified to limit production to documents and information related to the Lago Agrio Litigation;
- 3) The planned deposition of Joseph Kohn – up to two days, seven hours per day – may proceed, limited to documents and information related to the Lago Agrio Litigation;
- 4) To the extent that any privilege or immunity from disclosure would otherwise apply to some or all of the discovery sought by Chevron or individual applicants, Pallares and Veiga, any such privilege has been

waived by public disclosure and does not apply to any documents related to the Lago Agrio Litigation; and

- 5) The Republic of Ecuador has failed to establish its right to assert the community-of-interest privilege with respect to the documents and deposition testimony sought in this case.

IT IS FURTHER ORDERED that the Motion for In Camera Review or Appointment of a Special Master filed by the Republic of Ecuador is **DENIED**.

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.